

HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

1. The petitioner is the daughter of the decedent. The decedent died on March 23, 2007.
2. Petitioner lived with the decedent for over ten years in a mobile home. During that time, they shared all living expenses.
3. The mobile home is solely in the name of the decedent.
4. The petitioner testified at a fair hearing held on April 27, 2007. According to petitioner, the mobile home is approximately nineteen years old. The mobile home was last assessed at \$24,600 by the town. The petitioner believes the current value of the mobile home is \$40,300. If GA is not

available, petitioner will need to sell the mobile home to pay for the burial and any other expenses of the estate. Petitioner is seeking \$1,163 from the Department for burial expenses.

5. The Department denied the burial expenses because the estate has sufficient resources to cover the cost of the burial.

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance program pays burial expenses in certain limited situations. W.A.M. §§ 2640-2649. To qualify, the decedent must not have sufficient resources to cover the cost of the burial. W.A.M. §§ 2640(A) and 2643. In addition, GA not only caps payment to funeral homes at \$1,193 for professional services, but will deny burial assistance if the professional fees exceed \$1,193. P-2690.

Resources are defined at W.A.M. § 2645 which states:

Payment will be denied if the available resources exceed the total allowable expenses. "Available resources" are "total resources" less a \$225 disregard.

. . .

When the deceased individually owns real or personal property. . . , the value of which exceeds the total cost

of the burial, the request for burial payments shall be denied if there was no surviving spouse or dependent children residing with the deceased at the time of his death. If the value of such real or personal property does not exceed the cost of burial, it shall be disregarded.

We are sympathetic to petitioner's dilemma that to pay for her mother's funeral expenses, she needs to sell the mobile home in which she has lived for the past ten years. However, the mobile home was owned solely by the decedent and its value exceeds the cost of the burial. Based on the regulations, the estate has sufficient resources to pay for the burial. Accordingly, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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